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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on the 5th May, 1989:—

BILL NO. 31 OF 1989

A Bill to provide for payment of pension and provision of other facilities to old persons.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Old Age Pension Act, 1989.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) There shall be established by the Central Government a Board to be known as the "Central Board for old Persons Welfare", herein-after called the "Central Board".

(2) The Central Board shall consist of the following persons, namely:—

(a) Secretary, Ministry of Welfare, Government of India, who shall act as its Chairman;

Short
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extent
and com-
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Estab-
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of Cen-
tral
Board
for Old
Persons
Welfare.

(b) one representative from each of the State and Union territory Boards established under section 3;

(c) one member from each of the State and Union territory Governments;

(d) two members from amongst those persons who are engaged in active social work.

Establishment of State and Union territory Boards for old persons welfare.

3. (1) There shall be established by every State Government and Union territory administration a Board to be known as the "State Board for Old Persons Welfare" or the "Union territory Board for Old Persons Welfare", as the case may be, hereinafter called the "State Board" or the "Union territory Board", to aid and advise the Central Board in implementing the provisions of this Act.

(2) The State Board or the Union territory Board shall consist of a Chairman and such number of members, as may be determined by the respective State Government or the Union territory administration, as the case may be.

Functions of State and Union territory Boards.

4. Every State Board and Union territory Board shall formulate plans for helping out the old persons registered under sub-section (1) of section 7.

Pension and other facilities to old persons.

5. Every State Government or Union territory administration, as the case may be, in their respective jurisdictions, shall provide the following to a person who is registered under sub-section (1) of section 7,—

(a) an amount not exceeding rupees five hundred per month as pension;

(b) free medical aid in Government hospitals and other hospitals aided by the Government;

(c) residential accommodation free of cost;

Provided that the infirm persons from amongst the registered shall be kept in old persons homes to be established by the Central Board.

Establishment of district committees.

6. (1) There shall be established in every district by the respective State or Union territory Board, a Committee to be known as the "District Committee for Old Persons Welfare", hereinafter called the "Committee".

(2) The Committee shall consist of a President and such number of other members, as may be determined by the State or Union territory Board, as the case may be.

(3) The District Committees shall work under the control of the respective State or Union territory Board.

Functions of the district committees.

7. (1) It shall be the duty of every Committee to register all persons who have attained the age of fifty-five years and are unable to work and have no means to support themselves.

(2) The Committee shall give wide publicity through radio network, newspapers, etc. for registering the old persons.

(3) The Committee shall forward the list of the registered persons to the State Board or the Union territory Board, as the case may be.

8. (1) There shall be constituted by the Central Government a fund to be known as the "Old Persons Welfare Fund" to carry out the purposes of this Act.

Constitu-
tion of
old per-
sons
welfare
fund.

(2) The fund shall consist of the sums paid into it by the Central Government and grants or donations received from international agencies.

9. The expenses incurred on providing the old persons with pension and other facilities mentioned under section 5 shall be met out of the fund constituted under section 8.

Expenses
to be met
out of
the fund.

10. Every State and Union territory Board shall work under the guidance and control of the Central Board.

State
and
Union
territory
Boards to
work
under
Central
Board.

11. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make
rules.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In our country, there are millions of old persons who are unable to take care of themselves or do not have sufficient means to lead a happy life. These people, with no support from any source, live in hunger and are left uncared for. Although, many social organisations have made arrangements for taking care of old and sick persons, it is not sufficient as the majority of the aged are still left to fend for themselves. The forefathers of our Constitution envisaged this aspect and a provision was made in the Directive Principles of State Policy that the Government shall make effective provisions to give assistance in cases of old age, sickness and disablement and in other cases of undeserved want. Our country being a welfare State, it should provide security to persons in their old age.

The Bill seeks to give impetus to the new social order and to give social security to the old and sick, provide them with pension, medical and residential facilities.

NEW DELHI;

S. M. GURADDI

February 22, 1989.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment of Central Board for old persons welfare. Clause 3 provides for the establishment of State Boards and Union territory Boards for old persons welfare. Clause 5 provides for the payment of pension of rupees five hundred per month, free medical aid, free residential accommodation to persons who have attained the age of fifty-five years and are unable to work and have no means to support themselves and also for the establishment of old persons homes for old infirm persons. Clause 6 provides for the establishment of committees for old persons welfare in every district of the country. Clause 7 provides that the Committee shall give wide publicity through radio net-work, newspapers, etc. for registering the old persons. Clause 8 provides for the constitution of old persons welfare fund by the Central Government. As far as expenditure on State Boards is concerned, it will be met from the consolidated fund of the respective states. But, expenditure to be incurred on Union territory Boards and expenses relating to payment of pension, etc. to old persons, shall be met from the Consolidated Fund of India. The Bill, therefore, if enacted, is likely to involve an estimated annual recurring expenditure of about rupees fifty crores from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 35 OF 1989

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1989.

Short
title.

2. In article 340 of the Constitution, for clause (3), the following clause shall be substituted namely:—

Amend-
ment of
article
340.

“(3) The President, shall, within a period of one year from the date of the presentation of the report to him, cause a copy of the report so presented, to be laid before each House of Parliament, with a memorandum explaining the action taken thereon:

Provided that the memorandum explaining the action taken on the report may be separately laid before each House of Parliament within a period of six months of the laying of the report.”.

STATEMENT OF OBJECTS AND REASONS

Article 340 of the Constitution enjoins upon the President to set up a Commission to investigate the condition of the backward classes, however sub-clause (3) of this article places no time limit on the Government to consider the report, to take action thereon and to present it to the Parliament. This has led to much delay in the consideration of the report of the second backward classes Commission by the Government and even in its presentation to the Parliament. There is, therefore, need for introducing a reasonable time limit. It is felt that a time limit of one year for laying the report in Parliament, and a year and a half for the consideration and taking action thereon by the Government should be provided.

Hence this Bill.

NEW DELHI;

April 4, 1989.

SYED SHAHABUDDIN

BILL No. 34 OF 1989

A Bill further to amend the Constitution of India

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1989.

Short
title
and com-
mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 51A of the Constitution, after clause (j), the following clause shall be inserted, namely:—

Amend-
ment of
article
51A.

“(k) to get education himself and help others in getting the same.”,

STATEMENT OF OBJECTS AND REASONS

It is a clearly laid down policy of the Government of India to seek eradication of poverty not only through financial and other material assistance but also through the instrument of education. The doses of material benefits are not as effective as doses of education. It is important that the provisions of our Constitution should lay emphasis on education so as to enable the people to seek independent means of livelihood in order to eradicate poverty and also to improve the literacy rate in the country with a view to achieve alround development.

The Bill seeks to amend the Constitution with a view to make education as one of the fundamental duties of the citizens.

NEW DELHI;

April 5, 1989.

SHANTARAM NAIK

BILL NO. 38 OF 1989

A Bill further to amend the Constitution of India.

Enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1989.

Short title
and
commence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. After article 347 of the Constitution, the following article shall be inserted, namely:—

Insertion
of new
article
347A.

"347A.(1)The President shall, within a period of one year from the commencement of the Constitution (Amendment) Act, 1989, constitute a Commission for Languages (hereinafter referred to as Commission) with an eminent linguist as its Chairman and fourteen other members, one of whom shall be its Deputy Chairman:

Commis-
sion for
Languages

Provided that the members shall be so chosen as to represent all regions of the linguistic atlas of the country including minority and tribal languages.

(2) It shall be the duty of the Commission to promote development of such languages which are not included in the Eighth Schedule but are recognised by the Sahitya Akademi or which are minority or tribal or developing languages and each one of which is spoken by more than ten lakh people in the country.

(3) The Central Government shall give adequate financial and other assistance to the Commission, the Sahitya Akademi and the Central Institute of Indian Languages set up by the Central Government for the promotion of these languages.

(4) The Commission shall ensure the implementation of all such measures and schemes as are envisaged necessary by it on its own initiative or on the request of the concerned linguistic groups or voluntary associations, for the promotion of these languages and their literature.

(5) The Commission shall present an annual report on its functioning to the President who shall cause the report to be laid before each House of Parliament.

Explanation.—For the purposes of this article, the expression “Sahitya Akademi” means the Sahitya Akademi set up either by the Union Government or any State Government or Union territory administration.”.

STATEMENT OF OBJECTS AND REASONS

Article 344 of the Constitution of India provides for the constitution of a Commission consisting of a Chairman and such other members representing the different languages specified in the Eighth Schedule, as the President may appoint, at the expiration of five years from the commencement of the Constitution and thereafter at the expiration of ten years from such commencement, for considering the various matters connected with the promotion of official language and matters connected therewith. Article 345 provides for the use of regional languages as official languages in the States. A special provision relating to languages spoken by a section of the population of a State for its use in that State has been made in article 347. Similarly articles 350 and 350A provide for submission of representations for redress of grievances in the languages used in the Union or a State and the provision of facilities for instruction in the mother-tongue at primary stage of education to the children of linguistic minorities. Article 350B provides for appointment of a Special Officer for linguistic minorities.

The linguistic and literary scene has undergone a sea-change since the commencement of the Constitution. The 1961 census revealed India to be multi-lingual country with as many as 1652 languages spoken. Fifteen languages have been included in the Eighth Schedule to the Constitution and Sahitya Akademi, which was set up by the Union Government in 1954, recognises 22 languages including English and Sanskrit for the purposes of literary awards every year.

However, a number of languages like Pahari in Himachal Pradesh, Khasi in Meghalaya, Bhoti in the border areas and many tribal languages, which are spoken by over one million people each as per the 1981 census, have neither been recognised by the Constitution nor by the Sahitya Akademi. However, most of these languages are being used as the medium of instruction on account of being the mother-tongues of the people and also on being patronised by the State Governments and being developed by the State Akademies of Languages, Literature and Culture. The Central Institute of Indian languages, Mysore is also preparing the reference material in some of these languages. It is, therefore, high time that the Government of India, with the ever increasing role of media and the vast expansion in educational opportunities and linguistic and literary endeavour, at its command, shoulders the responsibility for the promotion of these developing languages. The promotion of all these living languages would also provide scope for enrichment of Hindi as most of these languages have Sanskrit as their base and have a definite contribution to make for the acceptance of Hindi as the official and link language of the country.

Hence the need for constitution of a permanent Commission which may provide the constitutional link and institutional framework for the promotion of developing languages in collaboration with the Central and State Akademies.

The Bill seeks to achieve the above objective.

NEW DELHI;
April 5, 1989.

NARAIN CHAND PARASHAR,

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of a Commission for Languages with a Chairman and fourteen other members. The Chairman and the members of the Commission have to undertake study tours in various parts of the country for acquiring first hand knowledge of the developing languages and the activities carried on for their promotion and the development of the literature in the regions concerned. It further provides that the Central Government shall give adequate financial and other assistance to the Commission, the Central Sahitya Akademi and the Central Institute of Indian Languages for the promotion of these languages. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees one crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees twenty-five lakhs is also likely to be involved for the setting up of office of the Commission, Library, etc. for providing the basic infra-structure to the Commission to enable it to perform its functions.

BILL NO. 40 OF 1989

A Bill further to amend the Indian Penal Code.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Penal Code (Amendment) Act, 1989.

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mence-
ment.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 323 of the Indian Penal Code, for the words “of either description for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.”, the words “for a term which shall not be less than three days but which may extend to one year, or, in exceptional circumstances to be recorded in writing, with fine which may extend to one thousand rupees, or with both” shall be substituted.

Amend-
ment of
sec-
tion 323.

STATEMENT OF OBJECTS AND REASONS

Vast changes have been made in our penal laws from time to time as per the requirements of the changing society. The amendments to the existing laws or new laws deal with more serious offences neglecting thereby smaller offences like "voluntarily causing hurt" which concerns average common man. Petty criminals on the road side causing hurt and injuries to innocent people, uncivilised neighbours harassing physically or otherwise the residents of a locality, unruly bus or train commuters hurting their co-commuters with criminal intention are all such cases which are mostly covered under the offence punishable under section 323 of the Indian Penal Code. Although the section provides for imprisonment upto one year or a fine upto one thousand rupees, neither a court normally sends an offender under the section behind the bar nor impose full amount of fine on the guilty. Sometimes the offenders get away by paying fine only. The result is that such crimes get multiplied, disturbing the life of peace-loving common citizens.

The proposed amendment provides for a minimum imprisonment for three days or fine only in exceptional cases so that the guilty goes behind the bars which would make him think twice before committing the same offence again.

Hence this Bill.

NEW DELHI;
April 19, 1989.

SHANTARAM NAIK

SUBHASH C. KASHYAP,
Secretary-General.